

Assembly Bill No. 2971

Passed the Assembly August 28, 2008

Chief Clerk of the Assembly

Passed the Senate August 22, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 14054 to the Government Code, relating to transportation projects and services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2971, DeSaulnier. Department of Transportation: safety programs: bicyclists and pedestrians.

Existing law specifies the various powers and duties of the Department of Transportation relative to transportation planning and implementation of transportation projects and services.

This bill would require the department, on or before January 1, 2010, to establish guidance and criteria to ensure that the needs of bicyclists and pedestrians are addressed in the development of its safety programs, and to consider specified factors in that regard.

The people of the State of California do enact as follows:

SECTION 1. Section 14054 is added to the Government Code, to read:

14054. (a) The Legislature finds and declares the following:

(1) In the state there are two primary sources of dedicated statewide pedestrian or bicycle transportation funding that currently exist: the Bicycle Transportation Account (BTA), funded at seven million two hundred thousand dollars (\$7,200,000) a year, and Safe Routes to School (SRS), funded at twenty-four million two hundred fifty thousand dollars (\$24,250,000) a year.

(2) The funding contained in the BTA and SRS represents less than one-half of one percent of the state's overall transportation dollars.

(3) The state's traffic fatalities in 2005 totaled 4,304 out of the nation's 43,443 fatalities, just under 10 percent of the nation's total which is proportionate to the state's proportion of the nation's population. By contrast, bicycle and pedestrian fatality rates are more than 50 percent higher than the national average.

(4) According to crash data from the state, more than 20 percent of all traffic fatalities in the state involve bicyclists and pedestrians.

(5) An imbalance exists between the number of pedestrian- and bicycle-related fatalities and the amount of funding allocated to address these types of fatalities.

(6) The department has prepared a Strategic Highway Safety Plan (SHSP) as a condition of the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users of 2005 (P.L. 109-059; SAFETEA-LU) funding. This plan identifies key areas to focus attention and resources to improve highway safety.

(7) The processes by which the department currently funds highway safety improvements under the State Highway Operation and Protection Program (SHOPP) may be modified to ensure that the safety needs of bicyclists and pedestrians, as outlined in the SSP, are adequately addressed.

(b) On or before January 1, 2010, the department shall establish guidance and criteria to ensure that the needs of bicyclists and pedestrians are addressed in the development of its safety programs. In developing this guidance, the department shall take into consideration the following factors:

(1) The mitigation or amelioration of unsafe conditions that constitute barriers to reasonably safe and convenient highway use by bicyclists or pedestrians.

(2) The land use context of proposed highway safety improvement projects as evidence of demand for bicycle or pedestrian access.

(3) The addition of bicycle and pedestrian safety features to a highway safety project, thereby creating additional benefits to that project and increasing its priority.

(4) Input from bicycle and pedestrian interest groups.

(5) Other factors necessary to evaluate the need for, and benefits of, bicycle or pedestrian safety projects.

Approved _____, 2008

Governor